

TERRANCE DEWAN MORTON, SR.,	)	Case No. 2:15-cv-02417-APG-NJK
	)	
Plaintiff(s),	)	
	)	REPORT AND RECOMMENDATION
vs.	)	
	)	
CVS CORPORATION,	)	
	)	
Defendant(s).	)	
	)	

Plaintiff has now filed an amended complaint. Docket No. 6. As with the prior complaint, the extent of Plaintiff's claim(s) that the Court can discern is that Plaintiff alleges some sort of "incident" occurred involving CVS and that he is seeking in excess of \$216,000,000 in damages. *Id.* at 3, 4. For the reasons already stated at Docket No. 2, the amended complaint fails to establish that this Court has subject matter jurisdiction over this case, fails to establish that this is the proper

1 venue for this case, and fails to identify a cause of action, let alone state a claim for which relief can  
2 be granted. Moreover, as Plaintiff has failed to materially change his complaint notwithstanding the  
3 Court's prior order and warning of the possibility of dismissal, it appears that additional allowances  
4 for amendment would be futile.

5 For the above reasons, the undersigned **RECOMMENDS** that this case be dismissed and that  
6 this action be closed.

7 IT IS SO ORDERED.

8 Dated: February 29, 2016

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10 \_\_\_\_\_  
NANCY J. KOPPE  
United States Magistrate Judge

11  
12 **NOTICE**

13 Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be  
14 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has  
15 held that the courts of appeal may determine that an appeal has been waived due to the failure to file  
16 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also  
17 held that (1) failure to file objections within the specified time and (2) failure to properly address and  
18 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal  
19 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.  
20 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).